

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/32887

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C07H 21/04; C12Q 1/68
US CL : 435/6; 536/23.1

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 435/6; 536/23.1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/077183 A2 (ELITRA PHARMACEUTICALS, INC.) 03 October 2002 (03.10.2002), SEQ ID NO: 9893, nucleotides 40-74 are 100% identical to SEQ ID NO: 1; 472-442 are 100% identical to SEQ ID NO: 2.	1-10, 17-22

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"B" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

10 May 2005 (10.05.2005)

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner of Patents
P.O. Box 1450
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Date of mailing of the international search report

19 AUG 2005

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Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-10, 17-22, namely SEQ ID NO: 1

Remark on Protest

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☐

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-10, 17-22, drawn to primers and primer pairs of SEQ ID NO: 1-53 and kits.

Group II, claim(s) 11-16, drawn to method for detecting fluoroquinolone resistance in *B. anthracis*.

Restriction Requirement Applicable to All Groups:

The claims are drawn to various primers and sequences. As seen in Table 1, the primers amplify various genes and sequences. Each sequence is distinct because they are unrelated sequences, i.e. these sequences are unrelated because the protein encoded by these sequences differ in structure and in function and in biological activity. A restriction is applied to each Group.

It appears that SEQ ID NO: 1 and 2 are directed to the ParC QRDR gene. Each of the primers function to amplify different genes.

Applicant is required to select a single primer or a single primer pair for examination.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons.

The prior art teaches an isolated oligonucleotides comprising at least 12 consecutive nucleotides of SEQ ID NO: 1, 2, and 3, for example. Wang et al. (WO 200277183-A2, October 3, 2002) teaches prokaryotic essential gene #3680 which comprises both SEQ ID NO: 1 and 2. Further Wang teaches essential gene #3739 comprising SEQ ID NO: 3. Therefore, SEQ ID NO: 1, 2, 3 are not contributions over the art and are not a technical feature which links the inventions.